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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,834	11/04/2003	Steve Anspach	ANSPACH	5571

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Washington, DC 20036-3307

EXAMINER

LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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06/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/699,834

Applicant(s)

ANSPACH, STEVE

Examiner

Samson B. Lemma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This office action is in reply to an amendment filed on March 30, 2007.
All claims 1-27 are amended of which **claims 1, 12 and 24** are independent.
No claims are canceled/added. Thus **claims 1-27** are pending/examined.
2. **Claims 1-27 were provisionally rejected** under the judicially created doctrine of obviousness-type double patenting in the previous office action. The terminal Disclaimer submitted overcomes this nonstatutory double patenting rejection set forth in the previous office action. Therefore such rejection is withdrawn.

Priority

3. This application claims priority of a provisional application, application No. 60/502,660 filed on September 15, 2003. Therefore, the effective filing date for the subject matter defined in the pending claims of this application is **09/15/2003**.

Response to Arguments

4. Applicant's remark/arguments filed on March 30, 2007 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-27** are rejected under 35 U.S.C. 102(b) as being anticipated by an article published on IEEE, on 2000 with the title "Global broadcast service (GBS) end-

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to-end services; protocols and encapsulation", written by Michael DiFrancisco

(Hereinafter referred as Francisco) (Reference U)

7. **As per independent claims 1, 12 and 24 Francisco discloses** a method of cloaking an encrypted serial data stream, [See page 705, 2.1.2, "Serial stream service"] *(on page 705, paragraph 2.1.2, the transmission of serial data stream encrypted with a standard Type I serial encryptor, has been disclosed.)* comprising:

- **Encapsulating a serial data stream of encrypted data into IP packets**

[See page 705, see paragraph 2.1.2, "Serial stream service" and on page 707, see paragraph 3.0, "transmit suite data protocols and encapsulation"] *(On page 705, paragraph 2.1.2, the transmission of serial data stream **encrypted with a standard Type I serial encryptor before or prior to entering the GBS system** has been disclosed., And after entering the GBS, as it has been disclosed on page 709, paragraph 5.0, the GBS system offers a variety of information services. To integrate these different services into a common data format suitable for broadcasting a series of **encapsulation process is applied**. And on page 707 and paragraph 3.0, it has been disclosed that the unclassified store and forward and streaming IP services, available via IP network connections **are encapsulated in TCP/IP** and MPE prior to the MPEG2/DVB encapsulation.)*

- **Transmitting said IP packets of encrypted serial data on a public IP network** [See, page 704, "figure 1, Network Streaming services, "Internet service" and see also on page 706, paragraph 2.3 and on paragraph 2.31, see, the last paragraph] *(For instance on page 706, paragraph 2.3, it has been disclosed that GBS provides classified and unclassified streaming IP services. The COP and IP multicast Services provide the ability to stream certain source data through an **IP Network** to the GBS system and then to GBS end Users. **The internet/Public IP network service/ AKA Asynchronous Networking or Split-IP** provides a wide-bandwidth one-way data path over the satellite. This path is*

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combined with an IP-network reach-back channel/RBC to provide GBS customers with increased bandwidth for downloading through the network connection.)

8. As per claims 2 and 13 Francisco discloses a method as applied to claims above. Furthermore, Francisco discloses the method wherein: said public network is an Internet. [See, page 704, "figure 1, Network Streaming services, "Internet service" and see also on page 706, paragraph 2.3 and on paragraph 2.31, see, the last paragraph] *(For instance on page 706, paragraph 2.3, it has been disclosed that GBS provides classified and unclassified streaming IP services. The COP and IP multicast Services provide the ability to stream certain source data through an IP Network to the GBS system and then to GBS end Users. **The internet/Public IP network service/ AKA Asynchronous Networking or Split-IP** provides a wide-bandwidth one-way data path over the satellite. This path is combined with an IP-network reach-back channel/RBC to provide GBS customers with increased bandwidth for downloading through the network connection.)*

9. As per claims 3, 14, 23 and 25 Francisco discloses a method as applied to claims above. Furthermore, Francisco discloses the method wherein said IP packets are transmitted via an ISDN router. [See on page 706, paragraph 2.3.1, second paragraph, see, the "RS router"] *(the IP routing is accomplished using the EIGRP protocol for interior gateway routing and the Border Gateway protocol-4 BGB-4 as the exterior gateway protocol. The local RS router with have a BGP session...)*

10. As per claims 4 and 15 Francisco discloses a method as applied to claims above. Furthermore, Francisco discloses the method wherein said IP packets are transmitted over a satellite terminal. [on Page 706, paragraph 2.3] (The internet/Public IP network service/ AKA Asynchronous Networking or Split-IP** provides a wide-bandwidth one-way data path over the satellite.)**

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11. **As per claims 5-7 ,16-18 and 26 Francisco** discloses a method as applied to claims above. Furthermore, **Francisco** discloses the method, further comprising: encrypting data using a Type 1 encryption unit. [page 705, paragraph 2.1.2] *(On page 705, paragraph 2.1.2, the transmission of serial data stream **encrypted with a standard Type I serial encryptor before or prior to entering the GBS system** has been disclosed.*

12. **As per claims 8 and 19 Francisco** discloses a method as applied to claims above. Furthermore, **Francisco** discloses the method, wherein said serial data stream of encrypted data comprises: Voice over IP (VOIP) data. [See on page 706, paragraph 2.3.2, last line, "streaming content/ audio stream")]

13. **As per claims 9 and 20 Francisco** discloses a method as applied to claims above. Furthermore, **Francisco** discloses the method, wherein: said serial data stream is a synchronous serial data stream. [See page 705, paragraph 2.1.2, see "synchronous")]

14. **As per claims 10-11, 21-22 and 27 Francisco** discloses a method as applied to claims above. Furthermore, **Francisco** discloses the method, wherein: said synchronous serial data stream is an RS-530 data stream. [See page 705, paragraph 2.1.2, see "RS-530")]

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA**S.L.
06/11/2007**
**KAMBIZ ZAND
SUPERVISOR PATENT EXAMINER**